

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT LAMONTE McCLAIN,

Case No. 6:11-cv-1444-HZ

Plaintiff,

ORDER

v.

SALEM HOSPITAL, et.al.,

Defendants.

HERNANDEZ, District Judge.

Plaintiff's Motion for Protective Order (#73), and Motion for Injunction (#74) are before the Court. For the reasons stated below, the motions are DENIED.


In his Motion for Injunction (#74), Plaintiff asks that this Court enjoin the Circuit Court of Marion County from revoking his probation in case no. 11C48288. Plaintiff's motion is premature. An inmate seeking to contest a probation revocation in federal court must first exhaust his federal constitutional claims in state court. See 28 U.S.C. § 2254(b)(1)(A). There is no evidence to suggest Plaintiff has presented his claim in state court. Accordingly, the motion is denied.

In his Motion for Protective Order (#73), Plaintiff alleges he cannot receive appropriate treatment while incarcerated in Marion County Jail. He asks this Court to seek his transfer to another facility, or to impose a restraining order on individuals responsible for providing medical services to Marion County Jail inmates. Because the Court does not have the authority to mandate inmate placement, and because the Court does not find Plaintiff's allegation that he cannot receive appropriate treatment in Marion County Jail to be credible, the motion is DENIED.

IT IS ORDERED that the Motion for Injunction (#74) and Motion for Protective Order (#73) are DENIED.

IT IS SO ORDERED.

DATED this 13 day of September, 2012.



Marco A. Hernández
United States District Judge